

September 28, 1994

To: Mining Act Reclamation Bureau File on United Nuclear Corporation

From: Holland Shepherd, Bureau Chief, Mining Act Reclamation Bureau *HLS*

Re: **Meeting with UNC Concerning Status of Mining Properties in New Mexico**

Date of Meeting: Sept. 16, 1994  
Time of Meeting: 10:00 - 12:30  
Participants: Juan Valesquez and Dalva Moellenberg of United Nuclear Corporation; Holland Shepherd, Alan Jager and Fernando Martinez, MMD

This memo addresses a meeting the Bureau had with representatives of the United Nuclear Corporation. The meeting was held to discuss the status of several sites currently operated or once operated by UNC.

#### **Sites Resolved During Meeting**

1. The Mac #1 Mine was a Homestake/UNC venture which lasted about two years. Homestake bought all interest in the property in the late 70's. This site apparently does not meet the definition of mining so will not be permitted. Homestake is to send the letter indicating exclusion.
2. The Section 31 T13N, R9W Mine, according to UNC is not subject to the Act. However, Santa Fe Pacific has claimed under prior reclamation. This will exclude UNC from further obligations for the site, if the site is released under prior reclamation.
3. The Old Church Rock Mine is in Section 17. This site includes the Church Rock 1 and 1E all now under the responsibility of Kerr McGee. The site is on Indian Lands, not Indian Trust Lands. Kerr McGee has claimed these sites under prior reclamation, the Church Rock 1, 1E and 2.

The NE Church Rock Mine is the same as the Section 35 Mine, and is the responsibility of UNC.

Another Old Church Rock was once owned by UNC, but now belongs to HRI, Sec. 17, T16N, R16W, which is claiming it as a prior reclamation site.

4. The John Bill and the Sandstone Mine sites have been reclaimed and the operator is claiming these for prior reclamation.
5. The Ann Lee Mine is currently being reclaimed by the DOE, under the authority of Title 1 and UMT CRA. There may be a problem here because the Act exempts sites under the control of NRC. The state may have to permit a DOE site.

**Sites Remaining Unresolved**

Three sites remain unresolved: 1. the Section 27 Mine; the St. Anthony Mine; and the NE Church Rock Mine.

1. The Section 27 Mine was operated until 1982, then abandoned in 1988. UNC has indicated that the property is now the responsibility of the Marquez family.
2. The St. Anthony Mine was abandoned back to the land owner in 1988.
3. The NE Church Rock Mine or Section 35 Mine, was abandoned 1993. UNC is saying that Santa Fe Pacific Gold is now responsible for the site.

The overall argument that UNC is using, to disclaim responsibility, is that all three of these sites were abandoned before the Act went into effect. They argue that the Act was never meant to be retroactive, by forcing mine operators to reclaim abandoned sites, which fall under the existing mining operation definition. UNC argues that the definition of an "existing mine operation," should really be interpreted to mean only those operations, which intend to continue mining or in a standby state after the Act. For operations, which were abandoned prior to the Act, to make an operator reclaim these sites would be an undue burden, and was never the intent of the legislature.

We indicated that, if they wanted to push the issue, it would probably have to go before the Mining Commission.